

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: January 18, 2006  
Bulk Item: Yes ☐ No ☒

Division: Growth Management  
Department: Planning and Environmental Services  
Staff Contact Person: Tim McGarry

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**AGENDA ITEM WORDING:**

Amendment to Monroe County Code Section 9.5-4 (C-13.1), (C-13.2), (C-14), (C-23.1), (M-14.1), (O-7.1), (S-11.1), Section 9.5-124(b) and Section 9.5-235(a)(8), revising and clarifying storage provisions and deleting storage areas as a permitted use in the Sub Urban Commercial (SC) land use district.

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**(Second of 2 required public hearings)**

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**ITEM BACKGROUND:**

The Monroe County Department of Planning and Environmental Resources identified a need to amend the Monroe County Code to add clarity and consistency to the regulation of "storage area" and related land uses and issues.

The amendments clearly define "storage area" and related land uses and deletes "storage areas" as a permitted as of right use in the Sub Urban Commercial (SC) land use district.

The Planning Commission reviewed the staff draft and following a public hearing, recommended approval with modifications.

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**PREVIOUS RELEVANT BOCC ACTION:** The first public hearing for this item was heard at the regularly scheduled Board of County Commissioners meeting held on December 21, 2005.

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval

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**TOTAL COST:** N/A

**BUDGETED:** Yes ☐ No ☐

**COST TO COUNTY:** N/A

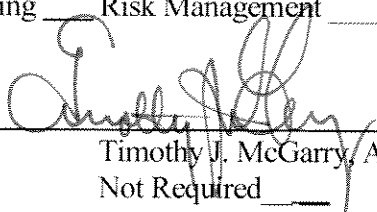
**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes N/A No ☐ **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty X OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DIVISION DIRECTOR APPROVAL:** \_\_\_\_\_

**DOCUMENTATION:** Included X

  
Timothy J. McGarry, AICP  
Not Required ☐

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

## **DRAFT BOCC ORDINANCE**

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING SEC. 9.5-4 (C-13.1), (C-13.2), (C-23.1), (M-14.1), (O-7.1) AND (S-11.1) DEFINITIONS; AMENDING SEC. 9.5-4 (C-14) DEFINITIONS; AMENDING SEC. 9.5-124(b) DEFINITIONS; DELETING SEC. 9.5-235(a)(8) SUB URBAN COMMERCIAL DISTRICT (SC), MONROE COUNTY CODE; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES; DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO TRANSMIT A COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the Monroe County Department of Planning and Environmental Resources has identified a need to amend the Monroe County Code to clearly define storage area and related land uses and to delete storage areas as a permitted use in the Sub Urban Commercial (SC) land use district to add clarity to the regulation; and

**WHEREAS**, Section 9.5-511, Monroe County Code, delineates the mechanism to amend the Monroe County Code via a "text amendment"; and

**WHEREAS**, during a regularly scheduled meeting on September 28, 2005, the Planning Commission, after hearing the staff report and hearing comments from the public, recommended approval of proposed amendments creating Sec. 9.5-4 (C-13.1), (C-13.2), (C-23.1), (M-14.1), (O-7.1) and (S-11.1) Definitions; amending Sec. 9.5-4 (C-14) Definitions; amending Sec. 9.5-124(b) Definitions; Deleting Sec. 9.5-235(a)(8) Sub Urban Commercial District (SC), Monroe County Code, to the Board of County Commissioners; and

**WHEREAS**, the staff made minor revisions to recommended ordinance to improve syntax and clarify text; and

**WHEREAS**, during a regularly scheduled meeting on December 21, 2005, the Board of County Commissioners were presented with the following information, which by reference is hereby incorporated as part of the record of said hearings:

1. The staff report prepared by David A. Dacquist, Director, Island Planning Team dated December 1, 2005;
2. Testimony from the public.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

**Section 1.** The Board of County Commissioners specifically adopts the following as findings of fact:

1. The proposed revisions will clarify storage area requirements, provide for additional county review of storage areas in the Sub Urban Commercial (SC) land use district and cover issues previously not addressed; and
2. The proposed revisions are consistent with Section 9.5-511 and the Monroe County Year 2010 Comprehensive Plan.

**Section 2.** Monroe County Code, Sec 9.5-4 (C-13.1), (C-13.2), (C-14), (C-23.1), (M-14.1), (O-7.1), (S-11.1), Sec 9.5-124(b) and Sec 9.5-235(a)(8), are amended as follows [Language that has been deleted is shown ~~struck through~~, new language that has been added is shown underlined.]

**Sec. 9.5-4 Definitions.**

(C-13.1) Commercial recreation (indoors) means a use designed and equipped for the conduct of sports and leisure-time activities operated as a business and providing completely enclosed recreation activities. This definition includes but is not limited to bowling, tennis and racquetball courts, miniature golf, driving ranges, theatres, health clubs and swimming pools.

(C-13.2) Commercial recreation (outdoors) means a use designed and equipped for the conduct of sports and leisure-time activities primarily within uncovered or unenclosed areas. This definition includes but is not limited to courts, miniature golf, driving ranges, golf courses and swimming pools.

(C-14) Commercial retail use means a use that sells goods or services at retail. Commercial retail uses which are subdivided into the following three (3) classifications:

(1)(a) Commercial retail low-intensity means commercial retail uses that generate less than fifty (50) average daily trips per one thousand (1,000) square feet of floor area.

(2)(b) Commercial retail medium-intensity means retail uses that generate between fifty (50) and one hundred (100) average daily trips per one thousand (1,000) square feet of floor area.

~~(3)(e)~~—*Commercial retail high-intensity* means retail uses that generate above one hundred (100) average daily trips per one thousand (1,000) square feet of floor area.

(C-23.1) Contractor's equipment storage yard means light industrial use predominately for the parking or storage of construction vehicles or equipment used by a building or construction trades contractor provided that all vehicle and equipment repair or maintenance is conducted in an enclosed building or structure. A contractor's equipment storage yard is considered a light industrial use.

(M-14.1) Mini-warehouses means a light industrial use of land for a self-storage center that is a building or group of buildings divided into separate compartments for use by individuals or businesses and used for storage only.

(O-7.1) Outdoor retail sales means a commercial use (see definition C-14) that predominantly involves the display and sale of vehicles, recreational vehicles, boats, campers, equipment, goods, materials and services outside of a building.

(S-11.1) Storage area means a non-residential use that predominately involves the outside storage of vehicles, recreational vehicles, boats, campers, equipment, goods and materials for more than twenty-four (24) hours. It includes contractor's equipment storage yards and does not include outdoor retail sales. This is considered a light industrial use and does not include waste transfer stations, junkyards, or other heavy industrial uses.

#### **Sec. 9.5-124. Non-residential rate of growth ordinance (NROGO).**

*(b) Definitions:*

*Storage area* means the outside storage of vehicles, recreational vehicles, boats, campers, equipment, goods and materials for more than twenty-four (24) hours. It does include contractor's equipment storage and does not contain outdoor retail sales. This is considered a light industrial use and does not include waste transfer stations, junkyards yards or other heavy industrial uses.

#### **Sec. 9.5-235. Sub Urban Commercial District (SC).**

(a) The following uses are permitted as of right in the Sub Urban Commercial District:

~~(8) Storage areas, provided that the area does not exceed twenty five (25) percent of the gross area of the parcel proposed for development, is closed to the public, the storage area is screened from adjacent use by a solid fence, wall or hedge at least six (6) feet in height; if such areas exceed twenty five (25) percent, than approval must be obtained pursuant to subsection (b) (8).~~

**Section 3.** If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**Section 4.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed hereby.

**Section 5.** This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

**Section 6.** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

**Section 7.** The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and shall be appropriately numbered to conform to the uniform numbering system of the Code.

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**PASSED AND ADOPTED** By the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 21<sup>st</sup> day of December, 2005.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Murray Nelson  
Commissioner George Neugent  
Commissioner David Rice  
Commissioner Dixie Spehar

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BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOHAGE, CLERK

\_\_\_\_\_  
Deputy Clerk



## **BOCC STAFF REPORT**

**GROWTH MANAGEMENT DIVISION**

2798 Overseas Highway  
Suite 400  
Marathon, Florida 33050  
Voice: (305) 289-2500  
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**BOARD OF COUNTY COMMISSIONERS**

Mayor Dixie M. Spehar, District 1  
Mayor Pro Tem Charles "Sonny" McCoy, District 3  
George Neugent, District 2  
David P. Rice, District 4  
Murray E. Nelson, District 5

**Upper Keys Planning Office**

88800 Overseas Highway  
Tavernier FL 33070  
Voice: (305) 852-7100  
FAX: (305) 852-7103

**Memorandum**

To: Monroe County Board of County Commissioners

From: David A. Dacquisto AICP, Director, Upper Keys Island Planning Team

Date: December 1, 2005

Re: Amendment to Monroe County Code, Definitions, and deletion of storage areas as an as of right permitted use in the Sub Urban Commercial District (SC) District.

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BOCC Meeting: December 21, 2005, 1st of 2 Public Hearings

**I. SUMMARY**

The Monroe County Department of Planning and Environmental Resources identified a need to amend the Monroe County Code to create and revise definitions to provide for consistent interpretation, to remove "storage areas" as a permitted as of right use in the Sub Urban Commercial District (SC) land use district and to cover issues previously not addressed.

The amendments will add to and clarify the definition of "storage area" in general and as it pertains to NROGO.

**II. BACKGROUND**

Staff identified the need to add greater clarity and certainty to the application of code requirements with regard to storage areas and related land uses and issues. The following definitions and deletion add clarity by clearly defining our terms and adds necessary review to the creation of outside storage areas by deleting "storage areas" as a permitted use in the Sub Urban Commercial (SC) land use district.

The addition of Section 9.5-4(C-13.1) Commercial recreation (indoors) and Section 9.5-4(C-13.2) Commercial recreation (outdoors), to differentiate the uses and clarify the parking requirement that applies to each.

The amendment of Section 9.5-4(C-14) Commercial retail use, to make clear what is included in this category.

The addition of Section 9.5-4(C-23.1) Contractor's equipment storage yard to define and differentiate between uses.

The addition of a definition for Section 9.5-4(M-14.1) Mini-warehouses, to clarify what is meant by mini-warehouse and to distinguish it from a warehouse.

The addition of a definition for Section 9.5-4(O-7.1) Outdoor retail sales to distinguish the use from a storage area. In the present code, the difference amongst the uses is unclear and application of code requirements becomes a problem. This amendment helps to clearly define outdoor retail sales.

The addition of definition Sec 9.5-4 (S-11.1) Storage area, provides clarity by defining storage area. This issue arose due to the necessity to calculate the parking requirement for outdoor retail sales and the need to differentiate outdoor retail sales areas from storage areas.

The amendment of Sec 9.5-124(b) similarly added clarity to the definition of "storage area."

The deletion of the Sub Urban Commercial District (SC) provision Sec 9.5-235(a) (8) removes the permitted category of "storage areas" and classifies outside storage areas as a light industrial use requiring a minor conditional use.

Subsequent to the Planning Commission hearing, staff initiated changes to the draft ordinance to improve syntax and to clarify context.

### **III. FINDINGS**

1. The proposed revisions will clarify definitions, provide for additional county review of outside storage in the Sub Urban Commercial District (SC) land use district and cover issues previously not addressed; and
2. That the proposed change is consistent with Section 9.5-511 (d) (5) (IV) New Issues and (v) Recognition of a need for additional detail or comprehensiveness and that the proposed changes are consistent with the Monroe County 2010 Comprehensive Plan.

### **III. PREVIOUS ACTION**

The Monroe County Code was amended in 1987 to allow a "storage area" with an area that "does not exceed twenty-five (25) percent of the gross area of the parcel proposed for development," as a permitted use in the Sub Urban Commercial District (SC) land use district.

### **IV. RECOMMENDED ACTION**

The Staff recommends approval

**PLANNING COMMISSION  
RESOLUTION # P40-05**

**PLANNING COMMISSION RESOLUTION NO. P40-05**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE AMENDMENTS TO THE MONROE COUNTY CODE AMENDING SECTIONS 9.5-4, 9.5-122, 9.5-235, 9.5-352, 9.5-354 AND 9.5-355, MONROE COUNTY CODE: TO PROVIDE FOR ADDITIONAL DETAIL OR COMPREHENSIVENESS WITH REGARD TO PARKING REQUIREMENTS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION IN THE MONROE COUNTY CODE OF ORDINANCES; DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO TRANSMIT A COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

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**WHEREAS**, the Monroe County Department of Planning and Environmental Resources has identified a need to amend the Monroe County Code parking standards, to correct previous drafting errors, clarify parking requirements, cover issues previously not addressed, and to amend parking provisions to provide for increased flexibility in administration to recognize unique situations where parking provisions may not be appropriate; and

**WHEREAS**, Section 9.5-511 delineates the mechanism to amend the Monroe County Code via a "text amendment"; and

**WHEREAS**, the Monroe County Planning Commission, during a regular meeting held on September 28, 2005 conducted a review and consideration of a request by the Monroe County Department of Planning and Environmental Resources to amend the Monroe County Code Sections 9.5-4, 9.5-122, 9.5-235, 9.5-352, 9.5-354 and 9.5-355; and

**WHEREAS**, the Planning Commission reviewed the following information.

1. The staff report prepared by David A. Dacquisto, Director, Island Planning Team dated September 10, 2005; and

**WHEREAS**, the Planning Commission made the following Findings of Fact:

1. Staff finds that there is an identified need to make the amendment to correct previous drafting errors, clarify parking requirements, cover issues previously not addressed, and to amend parking provisions to provide for increased flexibility in administration to recognize unique situations where parking provisions may not be appropriate; and
2. The proposed revisions will correct previous drafting errors, clarify parking requirements, cover issues previously not addressed, and to amend parking provisions to provide for increased flexibility in administration to recognize unique situations where parking provisions may not be appropriate; and

**WHEREAS,** the Planning Commission made the following Conclusions of Law:

1. Staff finds that the proposed change is consistent with Section 9.5-511 (d) (5) (IV) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and
2. Staff finds that the proposed changes are consistent with the Monroe County 2010 Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY,** that the preceding Findings of Fact and Conclusions of Law support their decision to recommend **APPROVAL** to the Board of County Commissioners of the following text amendment to the Monroe County Code as follows: (The old language that has been deleted is shown ~~struck through~~. The new language that has been added is shown underlined.)

**Amendment to Sec. 9.5-4. Definitions.**

(C-13.1) Commercial recreation (indoors) means a use designed and equipped for the conduct of sports and leisure-time activities operated as a business and providing completely enclosed recreation activities. Included in this definition are bowling, indoor tennis and racquetball courts, indoor miniature golf, indoor driving ranges, theatres, health clubs and swimming pools.

(C-13.2) Commercial recreation (outdoors) means a use designed and equipped for the conduct of sports and leisure-time activities wholly within uncovered or unenclosed areas. Included in this definition are tennis courts, miniature golf, driving ranges, golf courses and swimming pools.

(C-14) *Commercial retail use* means a use that sells goods or services at retail.

(a) Commercial retail uses ~~which~~ are subdivided into the following three (3) classifications:

~~(1)(a)~~—*Commercial retail low-intensity* means commercial retail uses that generate less than fifty (50) average daily trips per one thousand (1,000) square feet of floor area.

(2)(b) —Commercial retail medium-intensity means retail uses that generate between fifty (50) and one hundred (100) average daily trips per one thousand (1,000) square feet of floor area.

(3)(e) —Commercial retail high-intensity means retail uses that generate above one hundred (100) average daily trips per one thousand (1,000) square feet of floor area.

(C23.1) Contractor's equipment storage yard means an area that is used to park or store construction vehicles or equipment used by a building or construction trades contractor provided that all vehicle and equipment repair or maintenance is conducted in an enclosed building or structure. A contractor's equipment storage yard is considered a light industrial use.

(D-15.1) Double frontage means a lot having frontage on two or more non intersecting streets, sometimes called a through lot.

(F-13.1) Frontage means that part of a lot abutting on a street.

(L-9.1) Lot lines, front means in the case of a lot abutting only one (1) street, the street right-of-way line separating such lot from such street; in the case of a double frontage lot or corner lot, each street right-of-way line separating such lot from a street shall be considered to be the front lot line.

(L-9.2) Lot lines, rear means a lot line which is most nearly parallel to and most distant from the front lot line of the lot. In the case of a lot where the side lot lines intersect there shall be no rear lot line and in the case of lots that have frontage on more than one (1) road or street, non-frontage lot lines shall be considered side yards.

(L-9.3) Lot lines, side means a lot line that is neither a front or rear lot line running perpendicular or radial from the front lot line and corresponding street right-of-way.

(M-14.1) Mini-warehouses means a light industrial use of land for a self-storage center that is a building or group of buildings divided into separate compartments for use by individuals or businesses and used for storage only.

(O-7.1) Outdoor retail sales means a commercial use (see definition C-14) that predominantly involves the display and sale of vehicles, recreational vehicles, boats, campers, equipment, goods, materials and services outside of a building.

(S-11.1) Storage area means the outside storage of vehicles, recreational vehicles, boats, campers, equipment, goods and materials for more than twenty-four (24) hours, it includes contractor's equipment storage yards and does not contain outdoor retail sales. This is considered a light industrial use and does not include waste transfer stations, junkyards, or other heavy industrial uses.

(Y-1) Yard means an open space at grade that is the minimum required setback between a principal building and the adjoining lot lines unoccupied and unobstructed from the ground upward, except as may be specifically permitted. In measuring a setback to determine the required depth of the front, rear, and side yards, the minimum horizontal distance between the lot lines and the furthest most projection of the principal building shall be used.

(Y-2) Yard, front means a required open space on a lot that extends across the front of a lot and is generally adjacent the public right-of-way, the depth of which is measured perpendicularly to the front lot line. On corner lots or through lots, each yard frontage on a street shall be a front yard.

(Y-3) Yard, rear means a required open space on a lot that extends along the full length of the rear lot line, the depth of which is measured perpendicularly to the rear lot line.

(Y-4) Yard, side means a required open space on a lot that extends along the full length of the side lot line between the required front yard and required rear yard, the depth of which is measured perpendicularly to the side lot line. In the case of through lots, side yards shall extend from the rear lines of the required front yards. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.

#### **Amendment to Sec. 9.5-122.3. Evaluation criteria.**

##### **Sec. 9.5-122.3(b) Definitions**

Storage area means the outside storage of vehicles, recreational vehicles, boats, campers, equipment, goods and materials for more than twenty-four (24) hours, it does include contractor's equipment storage and does not contain outdoor retail sales. This is considered a light industrial use and does not include waste transfer stations, junkyards yards or other heavy industrial uses.

#### **Delete Sec. 9.5-235. Suburban Commercial District (SC).**

##### **Sec. 9.5-235 (a)**

~~(8) Storage areas, provided that the area does not exceed twenty five (25) percent of the gross area of the parcel proposed for development, is closed to the public, the storage area is screened from adjacent use by a solid fence, wall or hedge at least six (6) feet in height; if such areas exceed twenty five (25) percent, than approval must be obtained pursuant to subsection (b) (8);~~

#### **DIVISION 9. PARKING AND LOADING STANDARDS\***

##### **Sec. 9.5-351. Purpose and intent.**

The purpose and intent of this division is to provide adequate off-street parking and loading areas to serve the majority of traffic generated by development. The provision of parking and loading areas is to: avoid undue congestion on the streets; protect the capacity of the road system to move traffic; minimize unnecessary conflicts between vehicles, pedestrians, and bicyclists; facilitate the use of transportation management systems; and avoid noise, glare, lights, and visual impacts of parking and loading operations on adjacent properties.

**Sec. 9.5-352. Required off-street parking.**

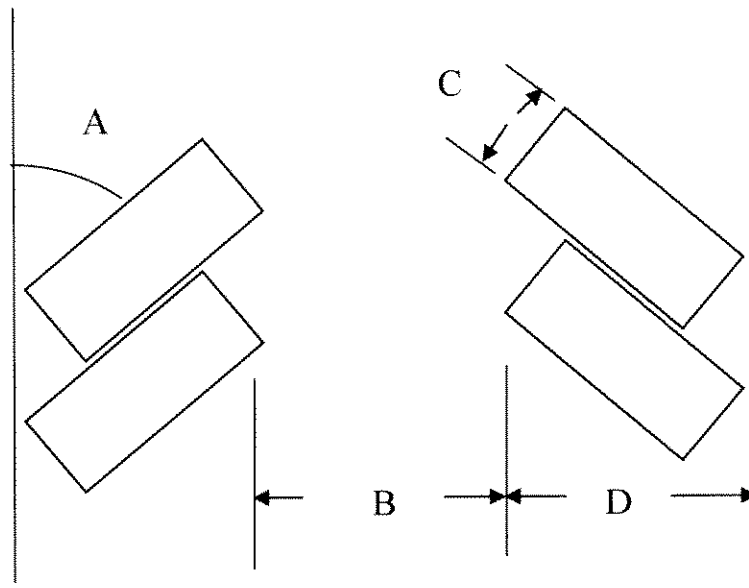
(a) *Generally:* Every use shall be provided with off-street parking in accordance with the standards contained in this division. Every parking space, both required and unrequired, shall meet the minimum standards of this division.

(b) *Design and Dimensional Requirements of Parking Spaces and Aisles:* ~~Each parking space shall have direct and unrestricted access to an aisle.~~ Except as expressly stated herein, each parking aisle and parking space shall meet the following minimum standards:

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## Parking Space and Aisle Width Minimum Dimensional Requirements

### Illustration of Minimum Required Parking Space Dimensions



### Legend for Minimum Required Parking Space Dimensions.

- A — Angle of parking space, varies from 0 to 90 degrees
- B — Width of aisle, one way and two way
- C — Width of parking space

Parking Pattern in Degrees (A)	One-Way Aisle Width feet (B)	Two-Way Aisle Width feet (B)	Parking Space Width feet (C)	Parking Space Length feet (D)
0 (Parallel)	12	24	8.5	25
30 or 45	15	24	8.5	18
60	18	24	8.5	18
75	22	24	8.5	18

90	24	24	8.5	18
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(c) *Required Number of Off-Street Parking Spaces:* The following is the number of parking spaces to be provided for each use:

Specific Use Category	Minimum Required Number of <u>Parking Spaces Per Indicated Unit of Measure</u>
Single Family dwelling units, including mobile homes on individual lots	2.0 spaces per dwelling unit or mobile home
Multi-family dwelling units	1.5 spaces per dwelling unit
Mobile home parks	1.0 space per pad
Commercial retail except as otherwise specified below	<del>3.5</del> <u>3.0</u> spaces per 1,000 sq. ft. of <u>gross non-residential floor area (nrfa)</u> of building and <del>4.75</del> <u>1.5</u> spaces per 1,000 sq. ft. of <u>non-residential floor area devoted to land activity area (laa) for outdoor sales and display outdoor retail sales and display area.</u>
Eating and drinking establishments	14.0 spaces per 1,000 sq. ft. of <del>gfa</del> <u>non-residential floor area</u> and 7.0 spaces per 1,000 sq. ft. of <del>laa unenclosed non-residential floor area devoted to dining and/or bar area</del>
Convenience stores	4.0 spaces per 1,000 sq. ft. of <del>gfa</del> <u>(nrfa)</u>
Commercial recreation (indoor)	5.0 spaces per 1,000 sq. ft. of <del>gfa</del> <u>(nrfa)</u>
Commercial recreation (outdoor)	5.0 spaces per 1,000 sq. ft. of <u>laa of the parcel that is devoted to the outdoor recreational activity, excluding areas used for parking and driveways, required yards and required landscaping and buffer areas.</u>
Theaters, conference, or activity centers	<del>0.3 spaces per seat or</del> <u>1.0 space per 3.0 actual seats or based on seating capacity</u>
Offices	3.0 spaces per 1,000 sq. ft. of <del>gfa</del> <u>(nrfa)</u>
Medical and dental clinics	4.0 spaces per 1,000 sq. ft. of <del>gfa</del> <u>(nrfa)</u>
RV parks	1.0 space per pad
Hotels/destination resorts	1.0 space per <del>room</del> <u>individual accommodation</u>

Mini-warehouses, <del>personal storage facilities</del> /self storage center	<del>0.5 space per 1,000 sq. ft. of gfa</del> 3.0 spaces for the office use plus a parking aisle of 10 feet in width adjacent the storage unit access doors if outside access to the storage units is provided
Industrial uses: <del>excluding repair and or servicing of vehicles</del>	2.0 spaces per 1,000 sq. ft. of gfa (nrfa)
Industrial uses: repair and or servicing of vehicles	3.0 spaces per service/repair bay or 3.0 spaces per 1000 sq. ft. of gfa, (nrfa) whichever is greater, the service/repair bays shall not be counted as parking spaces
Warehousing	1.0 space per 1,000 sq. ft. (nrfa)
Hospitals	1.8 spaces per bed
Churches	0.3 space per seat and/or 0.3 space per 24 inches for pews
Live-aboard	1.5 spaces per berth
Marinas and commercial fishing facilities	1.0 space per berth plus one space per four (4) dry storage racks
Charter/guide boats, <del>less than six (6)</del> or fewer passengers capacity	2.0 spaces per berth
Party and charter/guide boats, more than <del>five (5)</del> six (6) passengers capacity	0.3 space per passenger capacity of vessel
Boat ramps	6.0 spaces per ramp; all spaces shall be a minimum of 14 feet by 55 feet, to accommodate trailers and oversized vehicles.

(d) *Category of Specific Use for Determination of the Number of Spaces:* If a specific use does not fall within one of the above categories in subsection (c), or the general category does not accurately identify the parking need for a specific use, then the parking space requirements shall be based on the most current edition of the Institute of Transportation Engineer's Parking Generation Manual, or other appropriate documentation authorized by the planning director.

(e) *Calculation of Number of Parking Spaces:* In calculating the number of parking spaces required under this division, the following special provisions apply:

(1) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.

(2) In determining the amount of land ~~activity~~ area devoted to for outdoor uses, areas used for parking and driveways required yards and required landscaping and buffer areas, shall not be counted.

(3) When two (2) or more separate uses are on a site, the required parking for the site is the sum of the total required parking for each of the individual uses, except if the shared parking calculation option is used, as provided for in subsection (i).

(4) The planning director may grant a reduction of up to twenty-five (25) percent in the number of required parking spaces for non-residential uses, located within a gated community, provided an equivalent number of parking spaces are provided and designed to accommodate golf carts, a "neighborhood electric vehicle," or similar four (4) wheeled vehicles. The planning director may increase this percentage based on a parking demand study provided by the applicant and approved by the planning director.

(5) The planning director may, in a specific area identified within a Community Master Plan, grant a reduction of up to twenty (20) percent in the number of required parking spaces for non-residential uses provided an equivalent number of parking spaces are reduced in size and redesigned to accommodate scooters and other similar modes of transportation.

(f) *Handicapped Parking Requirements:* The number and design of handicapped parking spaces shall be in accordance with the provisions of chapter 6, which incorporates by reference the Florida Accessibility Code for Building Construction.

(g) *Location of Required Parking:* Required off-street parking spaces for single-family and multi-family residential uses shall be located on the premises they are intended to serve. Required off-street parking spaces for all other uses shall be located on the same lot as the principal use they are intended to serve or upon another lot in accordance the provisions of subsection (h).

(h) *The following requirements shall apply to off-site parking facilities:*

(1) The location of any off-site parking lot shall be within three hundred (300) feet walking distance, as measured by the shortest route of effective pedestrian access, of a public entrance to the structure of land area containing the use for which the spaces are required;

(2) A parking agreement shall be required in accordance with section 9.5-353; and,

(3) Any off-site parking area located within a different land use district than the principal use it is intended to serve shall meet the following provisions in addition to requirements (1) and (2) above:

a. The off-site parking area and the use(s) it is intended to serve shall be aggregated for purposes of development review and shall be approved only as a minor or major conditional use.

b. The principal use intended to be served by the off-site parking area shall be a permitted principal use within the land use district in which the off-site parking area is located.

(i) *Shared Parking Option Requirements:*

(1) Purpose: The purpose of the shared parking option is to permit a reduction in the total number of parking spaces which would otherwise be required in instances where two or more uses on the same lot or separate lots are to share the same parking spaces because their peak parking demands do not occur at the same time. Shared parking is an option to the method for calculation of required parking as provided for in subsection (e) (3).

(2) Condition on Development Approval: If the shared parking option is used to calculate the amount of required parking spaces, the approved development permit shall have a condition that any change in the occupancy or use of any of the principal uses intended to be served by the shared parking shall require development approval by the planning director to ensure sufficient parking is available.

(3) Computation of shared parking requirements: Notwithstanding the provisions of subsection (e)(4) for individual land uses, when any land or building is used for two (2) or more distinguishable purposes as listed below, the shared parking option may be used to determined the minimum amount of parking required. Under the shared parking option, the minimum total number of required parking spaces for said land or building shall be determined by the following procedure:

a. Multiply the minimum parking requirement for each individual use as set forth in subsection (c) by the appropriate percentage as set forth in the table below for each of the five designated time periods.

b. Add the resulting sums for each of the five (5) vertical columns in the table.

c. The minimum parking requirement is the highest sum among the five (5) columns resulting from the calculation in subsection (b) above. Time periods not covered in the table below may be ignored for the purposes of calculating shared parking.

(4) The planning director may reduce the required parking requirements based on a parking demand study approved by the planning director. The methodology for conducting the study shall be submitted for review and approval by the county

and shall include, but not be limited to the week and day the study will be conducted, the number of days and duration of the study, and the time intervals and locations for data collection. The study shall be reviewed by the county traffic consultant to determine whether the parking study supports the basis for the parking reduction request.

	NIGHTTIME	WEEKDAY		WEEKEND	
	Midnight--6:00 a.m.	Day 9:00 a.m.-- 4:00 p.m.	Evening 6:00 p.m.--Midnight	Day 9:00 a.m.-- 4:00 p.m.	Evening 6:00 p.m.--Midnight
Specific Use Categories					
Marinas	5%	70%	10%	100%	20%
Residential	100%	60%	90%	80%	90%
Office/Industrial	5%	100%	10%	10%	5%
Churches	5%	25%	50%	100%	50%
Commercial Retail	5%	60%	90%	100%	70%
Drinking and Eating/Entertainment/Recreation (Theaters, bowling alleys, meeting halls)	10%	40%	100%	80%	100%
Hotel	75%	75%	100%	75%	100%
All Others	100%	100%	100%	100%	100%

(j) *Wheel Stop Requirements:* All impervious surface parking spaces shall be clearly marked by striping or other markings acceptable to the planning director. All pervious and impervious surface parking spaces shall have a wheel stop, bumper blocks or similar barriers where the front of the parking space is adjacent a building, required yard or required landscaping, to designate each parking space.

(k) *Bicycle Spaces:* A bicycle rack for parking bicycles shall be provided by all nonresidential development within two hundred (200) feet of an existing or programmed state or county bikeway. The minimum layout for a bicycle parking area shall be a two (2) foot wide by six (6) foot long stall with a minimum aisle

width of five (5) feet. The bicycle parking area shall be located within fifty (50) feet of a public entrance to the principal structure and shall not interfere with pedestrian or vehicular traffic.

**Sec. 9.5-353. Parking agreements.**

(a) *Purpose:* The purpose of parking agreements is to ensure the continued availability of off-site parking facilities for the use(s) they are intended to serve.

(b) *Requirements:* All off-site parking facilities shall require a parking agreement.

(c) *Form and Approvals:* The parking agreement shall be drawn to the satisfaction of the county attorney and planning director and executed by all parties, including the county. The agreement shall provide the county with the right of enforcement.

(Ord. No. 042-2003, § 1)

**Sec. 9.5-354. Required number and size of off-street loading spaces.**

(a) *Number and Size of Required Spaces:* Loading spaces shall be provided as follows:

Specific Use Category	G.F.A. (Sq. Ft.)	Minimum Required Number of Loading and Unloading spaces	
		11'x 35'	11'x 55'
<u>All non-residential uses</u>	<u>0—2,499</u>	<u>1</u>	<u>0</u>
	<u>2,500—19,999</u>	<u>0</u>	<u>1</u>
	<u>20,000—49,000</u>	<u>0</u>	<u>1</u>
	<u>50,000—and over</u>	<u>0</u>	<u>2</u>
(1) Office uses	0—29,999	0	4
	30,000—99,999	0	4
	100,000 and over	4	4
(2) Commercial (excluding eating and drinking est.)	0—9,999	0	0
	10,000—29,999	0	4
	30,000—79,999	0	2

	80,000 and over	4	2
(3) Commercial eating and drinking establishments	0 - 4,999	0	0
	5,000 - 19,999	0	4
	20,000 - 39,999	0	2
	40,000 and over	4	2
(4) Hotels and motels	0 - 49,999	0	0
	50,000 - 99,999	0	4
	100,000 - 199,999	0	2
	200,000 and over	4	2
(5) Industrial	0 - 4,999	0	0
	5,000 - 29,999	0	4
	30,000 - 49,999	0	2
	50,000 and over	4	2

(b) *Location of Required Loading ~~and Unloading~~ Spaces:* Loading spaces shall be located entirely on the same lot as the principal use they serve. These spaces shall not be located on any public right-of-way, or on any parking spaces or parking aisle. The spaces shall be accessible and adjacent or as close to the building served as possible.  
(Ord. No. 042-2003, § 1)

(c) Reduction in Loading and Unloading Space Requirements: The planning director is authorized, to grant a reduction in the number and dimensional requirements of this division for loading spaces, based on the submittal by an applicant of a parking demand study for loading spaces approved by the planning director, signed by a qualified traffic engineer and reviewed by the county traffic consultant.

**Sec. 9.5-355. Restriction on use of parking and loading spaces.**

The use of off-street parking, loading spaces or aisles for outdoor retail sales, outside storage, storage area. ~~The display or storage of merchandise, materials or motor vehicles and/or repair of motor vehicles or any kind of equipment is prohibited in all off-street parking and loading spaces and aisles~~ except as allowed through the issuance of a public assembly permit issued by Monroe County for a specific period of time.

**THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK**

**PASSED AND ADOPTED** By the Planning Commission of Monroe County, Florida at a regular meeting held on the 28<sup>th</sup> day of September 2005.

Chair Lynn Mapes	<u>YES</u>
Vice Chair Denise Werling	<u>YES</u>
Commissioner Jiulio Margalli	<u>YES</u>
Commissioner James Cameron	<u>YES</u>
Commissioner Randy Wall	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Lynn Mapes, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**DEVELOPMENT REVIEW COMMITTEE  
RESOLUTION # D17-05**



**DEVELOPMENT REVIEW COMMITTEE RESOLUTION D17-05**

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE MONROE COUNTY PLANNING COMMISSION OF THE REQUEST BY THE DEPARTMENT OF PLANNING AND ENVIRONMENTAL SERVICES TO AMEND SECTIONS 9.5-4, 9.5-122, 9.5-235, 9.5-352, 9.5-354 AND 9.5-355, MONROE COUNTY CODE: TO PROVIDE FOR ADDITIONAL DETAIL OR COMPREHENSIVENESS WITH REGARD TO PARKING REQUIREMENTS.

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**WHEREAS**, the Monroe County Department of Planning and Environmental Resources has identified a need to amend the Monroe County Code parking standards, to correct previous drafting errors, clarify parking requirements, cover issues previously not addressed, and to amend parking provisions to provide for increased flexibility in administration to recognize unique situations where parking provisions may not be appropriate; and

**WHEREAS**, Section 9.5-511 delineates the mechanism to amend the Monroe County Code via a "text amendment"; and

**WHEREAS**, the Monroe County Development Review Committee, during a regular meeting held on September 6, 2005 conducted a review and consideration of a request by the Monroe County Department of Planning and Environmental Resources to amend the Monroe County Code Sections 9.5-4, 9.5-122, 9.5-235, 9.5-352, 9.5-354 and 9.5-355; and

**WHEREAS**, the Development Review Committee reviewed the following information.

1. The staff report prepared by David A. Dacquist, Director, Island Planning Team dated September 1, 2005; and

**WHEREAS**, the Development Review Committee made the following Findings of Fact:

1. Staff finds that there is an identified need to make the amendment to correct previous drafting errors, clarify parking requirements, cover issues previously not addressed, and to amend parking provisions to provide for increased flexibility in administration to recognize unique situations where parking provisions may not be appropriate; and
2. The proposed revisions will correct previous drafting errors, clarify parking requirements, cover issues previously not addressed, and to amend parking provisions to provide for increased flexibility in administration to recognize unique situations where parking provisions may not be appropriate; and

**WHEREAS,** the Development Review Committee made the following Conclusions of Law:

1. Staff finds that the proposed change is consistent with Section 9.5-511 (d) (5) (IV) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and
2. Staff finds that the proposed changes are consistent with the Monroe County 2010 Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY,** that the preceding Findings of Fact and Conclusions of Law support their decision to recommend **APPROVAL** to the Monroe County Planning Commission of the proposed text amendment to the Monroe County Code as follows:

(The old language that has been deleted is shown ~~struck through~~. The new language that has been added is shown underlined.)

**Amendment to Sec. 9.5-4. Definitions.**

(C-13.1) Commercial recreation (indoors) means a use designed and equipped for the conduct of sports and leisure-time activities operated as a business and providing completely enclosed recreation activities. Included in this definition are bowling, indoor tennis and racquetball courts, indoor miniature golf, indoor driving ranges, theatres, health clubs and swimming pools.

(C-13.2) Commercial recreation (outdoors) means a use designed and equipped for the conduct of sports and leisure-time activities wholly within uncovered or unenclosed areas. Included in this definition are tennis courts, miniature golf, driving ranges, golf courses and swimming pools.

(C-14) *Commercial retail use* means a use that sells goods or services at retail.

(a) Commercial retail uses ~~which~~ are subdivided into the following three (3) classifications:

(1)(a) —Commercial retail low-intensity means commercial retail uses that generate less than fifty (50) average daily trips per one thousand (1,000) square feet of floor area.

(2)(b) —Commercial retail medium-intensity means retail uses that generate between fifty (50) and one hundred (100) average daily trips per one thousand (1,000) square feet of floor area.

(3)(c) —Commercial retail high-intensity means retail uses that generate above one hundred (100) average daily trips per one thousand (1,000) square feet of floor area.

(C23.1) Contractor's equipment storage yard means a use that is used to park or store construction vehicles or equipment used by a building or construction trades contractor provided further that all vehicle and equipment repair or maintenance is conducted in an enclosed building or structure. A contractor's equipment storage yard is considered a light industrial use. See definition L-5.

(D-15.1) Double frontage means a lot having frontage on two or more non intersecting streets, sometimes called a through lot.

(F-13.1) Frontage means that part of a lot abutting on a street.

(L-9.1) Lot lines, front means in the case of a lot abutting only one (1) street, the street right-of-way line separating such lot from such street; in the case of a double frontage lot or corner lot, each street right-of-way line separating such lot from a street shall be considered to be the front lot line.

(L-9.2) Lot lines, rear means a lot line which is most nearly parallel to and most distant from the front lot line of the lot. In the case of a lot where the side lot lines intersect there shall be no rear lot line and in the case of lots that have frontage on more than one (1) road or street, non-frontage lot lines shall be considered side yards.

(L-9.3) Lot lines, side means a lot line that is neither a front or rear lot line running perpendicular or radial from the front lot line and corresponding street right-of-way.

(M-14.1) Mini-warehouses means a light industrial use of land for a self-storage center that is a building or group of buildings divided into separate compartments for use by individuals or businesses and used for storage only.

(O-7.1) Outdoor retail sales means a commercial use (see definition C-14) that predominantly involves the display and sale of vehicles, recreational vehicles, boats, campers, equipment, goods, materials and services outside of a building.

(S-11.1) Storage area means the outside storage of vehicles, recreational vehicles, boats, campers, equipment, goods and materials for more than twenty-four (24) hours, it does include contractor's equipment storage yards and does not contain outdoor

retail sales. This is considered a light industrial use and does not include waste transfer stations, junkyards, or other heavy industrial uses.

(Y-1) Yard means an open space at grade that is the minimum required setback between a principal building and the adjoining lot lines unoccupied and unobstructed from the ground upward, except as may be specifically permitted. In measuring a setback to determine the required depth of the front, rear, and side yards, the minimum horizontal distance between the lot lines and the furthest most projection of the principal building shall be used.

(Y-2) Yard, front means a required open space on a lot that extends across the front of a lot and is generally adjacent the public right-of-way, the depth of which is measured perpendicularly to the front lot line. On corner lots or through lots, each yard frontage on a street shall be a front yard.

(Y-3) Yard, rear means a required open space on a lot that extends along the full length of the rear lot line, the depth of which is measured perpendicularly to the rear lot line.

(Y-4) Yard, side means a required open space on a lot that extends along the full length of the side lot line between the required front yard and required rear yard, the depth of which is measured perpendicularly to the side lot line. In the case of through lots, side yards shall extend from the rear lines of the required front yards. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.

#### **Amendment to Sec. 9.5-122.3. Evaluation criteria.**

##### **Sec. 9.5-122.3(b) Definitions**

Storage area means the outside storage of vehicles, recreational vehicles, boats, campers, equipment, goods and materials for more than twenty-four (24) hours, it does include contractor's equipment storage and does not contain outdoor retail sales. This is considered a light industrial use and does not include waste transfer stations, junkyards yards or other heavy industrial uses.

#### **Delete Sec. 9.5-235. Suburban Commercial District (SC).**

##### **Sec. 9.5-235 (a)**

~~(8) Storage areas, provided that the area does not exceed twenty five (25) percent of the gross area of the parcel proposed for development, is closed to the public, the storage area is screened from adjacent use by a solid fence, wall or hedge at least six (6) feet in height; if such areas exceed twenty five (25) percent, than approval must be obtained pursuant to subsection (b) (8).~~

## DIVISION 9. PARKING AND LOADING STANDARDS\*

### Sec. 9.5-351. Purpose and intent.

The purpose and intent of this division is to provide adequate off-street parking and loading areas to serve the majority of traffic generated by development. The provision of parking and loading areas is to: avoid undue congestion on the streets; protect the capacity of the road system to move traffic; minimize unnecessary conflicts between vehicles, pedestrians, and bicyclists; facilitate the use of transportation management systems; and avoid noise, glare, lights, and visual impacts of parking and loading operations on adjacent properties.

### Sec. 9.5-352. Required off-street parking.

(a) *Generally:* Every use shall be provided with off-street parking in accordance with the standards contained in this division. Every parking space, both required and unrequired, shall meet the minimum standards of this division.

(b) *Design and Dimensional Requirements of Parking Spaces and Aisles:* ~~Each parking space shall have direct and unrestricted access to an aisle.~~ Except as expressly stated herein, each parking aisle and parking space shall meet the following minimum standards:

#### Parking Space and Aisle Width Minimum Dimensional Requirements

Parking Pattern in Degrees	One-Way Width feet	Aisle	Two-Way Width feet	Aisle	Parking Width feet	Space	Parking Length feet	Space
0 (Parallel)	12		24		8.5		25	
30 or 45	15		24		8.5		18	
60	18		24		8.5		18	
75	22		24		8.5		18	
90	24		24		8.5		18	

(c) *Required Number of Off-Street Parking Spaces:* The following is the number of parking spaces to be provided for each use:

Specific Use Category	Minimum Required Number of Parking Spaces Per Indicated Unit of
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	<u>Measure</u>
Single Family dwelling units, including mobile homes on individual lots	2.0 spaces per dwelling unit or mobile home
Multi-family dwelling units	1.5 spaces per dwelling unit
Mobile home parks	1.0 space per pad
Commercial retail except as otherwise specified below	<del>3.5</del> 3.0 spaces per 1,000 sq. ft. of <u>gross non-residential floor area (nrfa)</u> of building and <del>1.75</del> 1.5 spaces per 1,000 sq. ft. of <u>non-residential floor area devoted to land activity area (laa) for outdoor sales and display outdoor retail sales and display area.</u>
Eating and drinking establishments	14.0 spaces per 1,000 sq. ft. of <u>gfa non-residential floor area</u> and 7.0 spaces per 1,000 sq. ft. of <u>laa unenclosed non-residential floor area devoted to dining and/or bar area</u>
Convenience stores	4.0 spaces per 1,000 sq. ft. of <u>gfa (nrfa)</u>
Commercial recreation (indoor)	5.0 spaces per 1,000 sq. ft. of <u>gfa (nrfa)</u>
Commercial recreation (outdoor)	5.0 spaces per 1,000 sq. ft. of <u>laa of the parcel that is devoted to the outdoor recreational activity, excluding areas used for parking and driveways, required yards and required landscaping and buffer areas.</u>
Theaters, conference, or activity centers	<del>0.3 spaces per seat or</del> 1.0 space per 3.0 actual seats or based on seating capacity
Offices	3.0 spaces per 1,000 sq. ft. of <u>gfa (nrfa)</u>
Medical and dental clinics	4.0 spaces per 1,000 sq. ft. of <u>gfa (nrfa)</u>
RV parks	1.0 space per pad
Hotels/destination resorts	1.0 space per <del>room</del> bedroom
Mini-warehouses, <del>personal storage facilities</del> /self storage center	<del>0.5 space per 1,000 sq. ft. of gfa</del> 3.0 spaces for the office use plus a parking aisle of 10 feet in width adjacent the storage unit access doors if outside access to the storage units is provided
Industrial uses: <u>excluding repair and or servicing of vehicles</u>	2.0 spaces per 1,000 sq. ft. of <u>gfa (nrfa)</u>
<u>Industrial uses: repair and or servicing of vehicles</u>	3.0 spaces per service/repair bay or 3.0 spaces per 1000 sq. ft. of <u>gfa, (nrfa)</u> whichever is greater, the service/repair bays shall not be counted as parking

	<u>spaces</u>
<u>Warehousing</u>	<u>1.0 space per 1,000 sq. ft. (nrfa)</u>
Hospitals	1.8 spaces per bed
Churches	0.3 space per seat <u>and/or 0.3 space per 24 inches for pews</u>
Live-aboard	1.5 spaces per berth
Marinas and commercial fishing facilities	1.0 space per berth plus one space per four (4) dry storage racks
Charter/guide boats, <del>less than six</del> <u>(6) or fewer</u> passengers capacity	2.0 spaces per berth
Party and charter/guide boats, <del>more than five (5)</del> <u>six (6)</u> passengers capacity	0.3 space per passenger capacity of vessel
Boat ramps	6.0 spaces per ramp; all spaces shall be a minimum of 14 feet by 55 feet, to accommodate trailers and oversized vehicles.

(d) *Category of Specific Use for Determination of the Number of Spaces:* If a specific use does not fall within one of the above categories in subsection (c), or the general category does not accurately identify the parking need for a specific use, then the parking space requirements shall be based on the most current edition of the Institute of Transportation Engineer's Parking Generation Manual, or other appropriate documentation authorized by the planning director.

(e) *Calculation of Number of Parking Spaces:* In calculating the number of parking spaces required under this division, the following special provisions apply:

(1) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.

(2) In determining the amount of land ~~activity~~ area devoted to ~~for~~ outdoor uses, areas used for parking and driveways required yards and required landscaping and buffer areas, shall not be counted.

(3) When two (2) or more separate uses are on a site, the required parking for the site is the sum of the total required parking for each of the individual uses, except if the shared parking calculation option is used, as provided for in subsection (i).

(4) The planning director may grant a reduction of up to twenty-five (25) percent in the number of required parking spaces for non-residential uses, located within a gated community, provided an equivalent number of parking spaces are provided and designed to accommodate golf carts, a "neighborhood electric vehicle," or similar four (4) wheeled vehicles. The planning director may increase this percentage based on a parking demand study provided by the applicant and approved by the planning director.

(5) The planning director may, in a specific area identified within a Community Master Plan, grant a reduction of up to twenty (20) percent in the number of required parking spaces for non-residential uses provided an equivalent number of parking spaces are reduced in size and redesigned to accommodate scooters and other similar modes of transportation.

(f) *Handicapped Parking Requirements:* The number and design of handicapped parking spaces shall be in accordance with the provisions of chapter 6, which incorporates by reference the Florida Accessibility Code for Building Construction.

(g) *Location of Required Parking:* Required off-street parking spaces for single-family and multi-family residential uses shall be located on the premises they are intended to serve. Required off-street parking spaces for all other uses shall be located on the same lot as the principal use they are intended to serve or upon another lot in accordance the provisions of subsection (h).

(h) *The following requirements shall apply to off-site parking facilities:*

(1) The location of any off-site parking lot shall be within three hundred (300) feet walking distance, as measured by the shortest route of effective pedestrian access, of a public entrance to the structure of land area containing the use for which the spaces are required;

(2) A parking agreement shall be required in accordance with section 9.5-353; and,

(3) Any off-site parking area located within a different land use district than the principal use it is intended to serve shall meet the following provisions in addition to requirements (1) and (2) above:

a. The off-site parking area and the use(s) it is intended to serve shall be aggregated for purposes of development review and shall be approved only as a minor or major conditional use.

b. The principal use intended to be served by the off-site parking area shall be a permitted principal use within the land use district in which the off-site parking area is located.

(i) *Shared Parking Option Requirements:*

(1) Purpose: The purpose of the shared parking option is to permit a reduction in the total number of parking spaces which would otherwise be required in instances where two or more uses on the same lot or separate lots are to share the same parking spaces because their peak parking demands do not occur at the same time. Shared parking is an option to the method for calculation of required parking as provided for in subsection (e) (3).

(2) Condition on Development Approval: If the shared parking option is used to calculate the amount of required parking spaces, the approved development permit shall have a condition that any change in the occupancy or use of any of the principal uses intended to be served by the shared parking shall require development approval by the planning director to ensure sufficient parking is available.

(3) Computation of shared parking requirements: Notwithstanding the provisions of subsection (e)(4) for individual land uses, when any land or building is used for two (2) or more distinguishable purposes as listed below, the shared parking option may be used to determine the minimum amount of parking required. Under the shared parking option, the minimum total number of required parking spaces for said land or building shall be determined by the following procedure:

a. Multiply the minimum parking requirement for each individual use as set forth in subsection (c) by the appropriate percentage as set forth in the table below for each of the five designated time periods.

b. Add the resulting sums for each of the five (5) vertical columns in the table.

c. The minimum parking requirement is the highest sum among the five (5) columns resulting from the calculation in subsection (b) above. Time periods not covered in the table below may be ignored for the purposes of calculating shared parking.

(4) The planning director may reduce the required parking requirements based on a parking demand study approved by the planning director. The methodology for conducting the study shall be submitted for review and approval by the county and shall include, but not be limited to the week and day the study will be conducted, the number of days and duration of the study, and the time intervals and locations for data collection. The study shall be reviewed by the county traffic consultant to determine whether the parking study supports the basis for the parking reduction request.

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	NIGHTTIME	WEEKDAY		WEEKEND	
	Midnight--6:00 a.m.	Day 9:00 a.m.-- 4:00 p.m.	Evening 6:00 p.m.-- Midnight	Day 9:00 a.m.-- 4:00 p.m.	Evening 6:00 p.m.-- Midnight
Specific Use Categories					
Marinas	5%	70%	10%	100%	20%
Residential	100%	60%	90%	80%	90%
Office/Industrial	5%	100%	10%	10%	5%
Churches	5%	25%	50%	100%	50%
Commercial Retail	5%	60%	90%	100%	70%
Drinking and Eating/Entertainment/Recreation (Theaters, bowling alleys, meeting halls)	10%	40%	100%	80%	100%
Hotel	75%	75%	100%	75%	100%
All Others	100%	100%	100%	100%	100%

(j) *Wheel Stop Requirements:* All impervious surface parking spaces shall be clearly marked by striping or other markings acceptable to the planning director. All pervious and impervious surface parking spaces shall have a wheel stop, bumper blocks or similar barriers to designate each parking space.

(k) *Bicycle Spaces:* A bicycle rack for parking bicycles shall be provided by all nonresidential development within two hundred (200) feet of an existing or programmed state or county bikeway. The minimum layout for a bicycle parking area shall be a two (2) foot wide by six (6) foot long stall with a minimum aisle width of five (5) feet. The bicycle parking area shall be located within fifty (50) feet of a public entrance to the principal structure and shall not interfere with pedestrian or vehicular traffic.

#### **Sec. 9.5-353. Parking agreements.**

(a) *Purpose:* The purpose of parking agreements is to ensure the continued availability of off-site parking facilities for the use(s) they are intended to serve.

(b) *Requirements:* All off-site parking facilities shall require a parking agreement.

(c) *Form and Approvals:* The parking agreement shall be drawn to the satisfaction of the county attorney and planning director and executed by all parties, including the county. The agreement shall provide the county with the right of enforcement.

(Ord. No. 042-2003, § 1)

**Sec. 9.5-354. Required number and size of off-street loading spaces.**

(a) *Number and Size of Required Spaces:* Loading spaces shall be provided as follows:

Specific Use Category	G.F.A. (Sq. Ft.)	Minimum Required Number of Loading and Unloading spaces	
		11'x 35'	11'x 55'
<u>All non-residential uses</u>	<u>0—2,499</u>	<u>1</u>	<u>0</u>
	<u>2,500—19,999</u>	<u>0</u>	<u>1</u>
	<u>20,000— 49,000</u>	<u>0</u>	<u>1</u>
	<u>50,000—and over</u>	<u>0</u>	<u>2</u>
(1) <del>Office uses</del>	<del>0—29,999</del>	<del>0</del>	<del>1</del>
	<del>30,000—99,999</del>	<del>0</del>	<del>1</del>
	<del>100,000—and over</del>	<del>1</del>	<del>1</del>
(2) <del>Commercial (excluding eating and drinking est.)</del>	<del>0—9,999</del>	<del>0</del>	<del>0</del>
	<del>10,000— 29,999</del>	<del>0</del>	<del>1</del>
	<del>30,000—79,999</del>	<del>0</del>	<del>2</del>
	<del>80,000—and over</del>	<del>1</del>	<del>2</del>

(3) Commercial eating and drinking establishments	0-4,999	0	0
	5,000-19,999	0	1
	20,000-39,999	0	2
	40,000 and over	1	2
(4) Hotels and motels	0-49,999	0	0
	50,000-99,999	0	1
	100,000-199,999	0	2
	200,000 and over	1	2
(5) Industrial	0-4,999	0	0
	5,000-29,999	0	1
	30,000-49,999	0	2
	50,000 and over	1	2

(b) *Location of Required Loading and Unloading Spaces:* Loading spaces shall be located entirely on the same lot as the principal use they serve. These spaces shall not be located on any public right-of-way, or on any parking spaces or parking aisle. The spaces shall be accessible and adjacent or as close to the building served as possible.  
(Ord. No. 042-2003, § 1)

(c) Reduction in Loading and Unloading Space Requirements: The planning director is authorized, to grant a reduction in the number and dimensional requirements of this division for loading spaces, based on the submittal by an applicant of a parking demand study for loading spaces approved by the planning director, signed by a qualified traffic engineer and reviewed by the county traffic consultant.

#### **Sec. 9.5-355. Restriction on use of parking and loading spaces.**

The use of off-street parking, loading spaces or aisles for outdoor retail sales, outside storage, storage area, The display or storage of merchandise, materials or motor vehicles

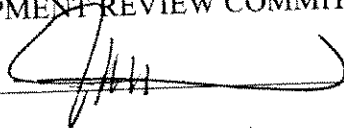
and/or repair of motor vehicles or any kind of equipment is prohibited ~~in all off street parking and loading spaces and aisles.~~

**PASSED AND ADOPTED** by the Development Review Committee of Monroe County, Florida at a regular meeting held on the 6<sup>th</sup> day of September 2005.

Aref Joulani, St. Administrator, Development Review and Design	<u>Yes</u>
David A. Dacquisto, Director, Upper Keys Island Planning Team	<u>Yes</u>
Elizabeth LaFleur, Director, Lower Keys Island Planning Team	<u>Yes</u>
Clarence Feagin, Planner	<u>Yes</u>
Ralph Goulby, Senior Administrator	<u>Yes</u>
Department of Health (by fax)	<u>Yes</u>
Department of Public Works (by fax)	<u>Yes</u>
Department of Engineering (by fax)	<u>Yes</u>

DEVELOPMENT REVIEW COMMITTEE

BY

  
Aref Joulani, DRC Chair

Signed this 13<sup>th</sup> day of September, 2005